

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 13

Robert Millen,

Case No. 18-22126 (RDD)

Debtor

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**ORDER APPROVING THE SALE OF DEBTOR'S RIGHT, TITLE AND
INTEREST IN HIS PROPERTY FREE AND CLEAR OF
ALL CLAIMS PURSUANT TO 11 U.S.C. §§ 363(b) AND (f)**

Upon the motion, dated April 6, 2018 (the "Motion"), of the above debtor, Robert Millen (the "Debtor"), for an order approving the sale of Debtor's right, title and interest in the property located at 38 Beekman Avenue, Croton on Hudson, New York 10520 (the "Property") pursuant to the terms of the Residential Contract of Sale, a copy of which is attached as Exhibit C to the Motion (the "Sale Contract") to Reed Family Properties LLC (as such entity's rights may be assigned under the Sale Contract, the "Purchaser"), free and clear of all liens, claims, encumbrances and interests therein and thereon of whatever kind or nature except as expressly provided in the Sale Contract ("Liens and Claims"), pursuant to 11 U.S.C. §§ 363(b) and (f); and there being due and sufficient notice of the Motion, including on the known holders of Liens and Claims, including MTGLQ Investors, LP c/o of Rushmore Loan Management Services ("MTGLQ") as the holder of a first mortgage on the Property and HSBC Bank, USA as Trustee for ACE 2007-STIC S1 ("Ocwen") as holder of a second mortgage on the Property; and there being no objections to the requested relief; and upon the record of the hearing held by the Court on the Motion on May 9, 2018, at which counsel for the Debtor and counsel for the chapter 13 trustee appeared; and, after due deliberation and for the reasons stated by the Court at the hearing, the Court having determined (a) that the proposed sale is a prudent exercise of business

judgment that will relieve the Debtor and his estate of material carrying costs with respect to the Property, (b) the sale price constitutes a fair and reasonable market price for the Property, (c) the proposed sale is at arms-length, and, if the Purchaser closes on the Sale Contract, it will be entitled to the protections of 11 U.S.C. § 363(m), and (D) the Debtor has satisfied one or more of the grounds for the sale to be free and clear of Liens and Claims under 11 U.S.C. § 363(f); now, therefore, good and sufficient cause appearing, it is hereby;

ORDERED, that the Motion is granted and the Debtor's sale of the Property to the Purchaser under the terms of the Sale Contract is approved under 11 U.S.C. § 363(b); and it is further

ORDERED, that the foregoing sale of the Property shall be free and clear of Liens and Claims, with all Liens and Claims to attach to the sale proceeds in the same amount and priority, with the same validity and enforceability, and subject to the same defenses as existed immediately before the closing of the sale; and it is further

ORDERED, that at the closing of the foregoing sale, the Debtor is authorized and directed to pay from the sale proceeds, in the following order: (a) the reasonable and necessary costs of closing, (b) the debt secured by MTGLQ's first mortgage on the Property, (c) to the extent of any remaining sale proceeds, the debt secured by Ocwen's second mortgage on the Property, and (d) to the extent of any remaining sale proceeds, the chapter 13 trustee; provided, that to the extent that any of the foregoing payments are the subject of reasonable dispute, the amount in dispute shall be placed and held in an attorneys' escrow account (and such payment shall constitute payment for title insurance purposes), subject to subsequent agreement by the parties or resolution by this Court; and it is further

ORDERED, that on or before 10 days after the closing of the foregoing sale, counsel for the Debtor shall cause a closing report, detailing the payments made at the closing, to be filed on the docket of this case; and it is further

ORDERED, that the 14-day stay of this Order under Fed. R. Bankr. P. 6004(h) is waived, for cause, and this Order is effective immediately upon its entry.

Dated: White Plains, New York
May 10, 2018

/s/ Robert D. Drain
Honorable Robert D. Drain
United States Bankruptcy Judge